

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

NECKEYA BALDWIN and)	
TY'REEK POWELL)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO.
)	
RUBENS TRUCKING, INC. and)	
JUAN MARTINEZ,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Comes now Defendants, Rubens Trucking, Inc. ("Rubens") and Juan Martinez ("Martinez") (collectively, "Defendants"), by counsel, pursuant to 28 U.S.C § 1446, and respectfully file their Notice of Removal,¹ removing this cause from the St. Joseph Superior Court to the United States District Court for the Northern District of Indiana, South Bend Division on the basis of diversity. In support of their Notice of Removal, Defendants state as follows:

1. On May 16, 2022, an action was commenced by Plaintiffs, Neckeya Baldwin ("Baldwin") and Ty'Reek Powell ("Powell") (collectively, "Plaintiffs"), in the St. Joseph Superior Court entitled *Neckeya Baldwin and Ty'Reek Powell v. Rubens Trucking, Inc. and Juan Martinez*, Cause No. 71D05-2205-CT-000169. A true and accurate copy of the St. Joseph Superior Court's Chronological Case Summary, obtained from MyCase, is

¹ At the time of the filing of this Notice of Removal, Defendants have paid the required filing fee.

attached as Exhibit “A.” A true and accurate copy of Plaintiffs’ Complaint is attached as Exhibit “B.” A true and accurate copy of the Appearance of Kenneth J. Allen for Plaintiffs is attached as Exhibit “C.” True and accurate copies of the Subpoenas to Rubens and Martinez are attached as Exhibits “D” and “E,” respectively.

2. On June 7, 2022, Plaintiffs filed an Alias Summons to Martinez, a true and accurate copy of which is attached as Exhibit “F.”

3. On June 13, 2022, Plaintiffs filed a Certificate of Issuance of Summons and Return of Service, a true and accurate copy of which is attached as Exhibit “G.”

4. The Return of Service states Rubens was served on May 18, 2022, and Martinez was served on June 10, 2022. Thus, the deadline for Rubens to file a Notice of Removal is Friday June 17, 2022 and the deadline for Martinez to file a Notice of Removal is Monday July 11, 2022.

5. Baldwin is a citizen of Indiana.

6. Powell is a citizen of Indiana.

7. Rubens is an Illinois corporation with a principal place of business in Illinois. Thus, Rubens is a citizen of Illinois.

8. Martinez is a citizen of Illinois.

9. Accordingly, there is complete diversity between the parties.

10. Further, the amount in controversy exceeds \$75,000.

11. Accordingly, this case is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441 because jurisdiction of this

action exists in this Court by reason of diversity. More specifically, Plaintiffs, a citizens of Indiana, have asserted a claim against Defendants, citizens of Illinois, with an amount in controversy that exceeds \$75,000.

12. Defendants are filing a Notice of Removal contemporaneously herewith in the St. Joseph Superior Court.

WHEREFORE, Defendants, Rubens Trucking, Inc. and Juan Martinez, by counsel, file their Notice of Removal, removing the above-action now pending against them in the St. Joseph Superior Court to this Court forthwith.

Respectfully submitted,

CARSON LLP

By: s/ Eric M. Blume

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*Attorneys for Defendants, Rubens Trucking,
Inc. and Juan Martinez*

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2022, a copy of the foregoing document was filed electronically with the Court and was served via the Court's CM/ECF system and/or via first-class, U.S. Mail, postage prepaid, on the following parties of record:

Bryan L. Bradley
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s/ Eric M. Blume